

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

KURT GASTREICH, )  
 )  
 Plaintiff, )  
 )  
 v. ) No. 1:24-cv-00177-SEP  
 )  
 BOLLINGER COUNTY, MISSOURI, et al., )  
 )  
 Defendants. )

**MEMORANDUM AND ORDER**

Before the Court is self-represented Plaintiff Kurt Gastreich's Application to Proceed in District Court without prepayment of fees and costs. Doc. [2]. Based on Plaintiff's financial information, the Court grants the Application and waives the filing fee.

Additionally, the Court notes that another, later-filed case, *Gastreich v. Bollinger County, Mo.*, 1:25-cv-67-RWS (E.D. Mo.) (*Gastreich II*), was consolidated into this case on May 5, 2025. *See* Doc. [8]. As part of the consolidation of the cases, the Amended Complaint from *Gastreich II* was filed as part of this case. *See* Doc. [9]. Also at that time, Plaintiff had a Motion for Leave to Amend pending in this case. The Amended Complaint in *Gastreich II* and the proposed Amended Complaint here contain different allegations against different Defendants. This creates considerable confusion, because it is unclear which Amended Complaint is the operative one.

For these reasons, the Court will order Plaintiff to file a Second Amended Complaint on a Court-provided form within 30 days of the date of this Order. Plaintiff is warned that the filing of a Second Amended Complaint **completely replaces** the Original and Amended Complaints in this consolidated case. Any claim that is not re-alleged in the Second Amended Complaint will be deemed abandoned. *See In re Wireless Tel. Fed. Cost Recovery Fees Litig.*, 396 F.3d 922, 928 (8th Cir. 2005) ("It is well-established that an amended complaint supercedes an original complaint and renders the original complaint without legal effect").

If Plaintiff fails to file a Second Amended Complaint on a Court-provided form within 30 days in accordance with these instructions, the Court will dismiss this action without prejudice and without further notice to Plaintiff.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Application to Proceed in District Court without Prepaying Fees and Costs, Doc. [2], is **GRANTED**.

**IT IS FURTHER ORDERED** that the Clerk of Court shall mail Plaintiff a copy of the Court's form Complaint in a civil case.

**IT IS FURTHER ORDERED** that Plaintiff shall have thirty (30) days from the date of this Order to file a Second Amended Complaint in accordance with the instructions above.

**IT IS FURTHER ORDERED** that if Plaintiff does not file a Second Amended Complaint within thirty (30) days in accordance with the instructions above, the Court will dismiss this action without prejudice and without further notice to Plaintiff.

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Leave to Amend the Complaint, Doc. [7], is **DENIED as moot**.

Dated this 8<sup>th</sup> day of August, 2025.



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SARAH E. PITLYK  
UNITED STATES DISTRICT JUDGE